

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION

DAVID WILLIAMS, #83234

PLAINTIFF

VERSUS

CAUSE NO.: 2:17-CV-152-MTP

JASON MYERS, ET AL.

DEFENDANTS

**CHARLES JASON MYERS' MOTION  
FOR STAY DUE TO ACTIVE DEPLOYMENT**

Come now, Charles Jason Myers, by and through counsel, and respectfully requests a stay as to the proceedings against him. In support of the same, Myers would show unto the Court as follows:

1. Charles Jason Myers is a named defendant in this matter. *Compl.*
2. In addition to being a Jones County, Mississippi Deputy Sheriff, Meyers is a member of the United States Army, 155<sup>th</sup> Armored Brigade.
3. In October, 2017, Myers was issued Orders by the Mississippi Military Department, Adjutant General's Office, to report for training. See, *Orders*, attached hereto as **Exhibit A**.
4. Subsequently, Myers was deployed overseas as a part of the U.S. Army for a one (1) year deployment. See, *Article*, attached hereto as **Exhibit B**.
5. Currently, Myers is still deployed and is, essentially inaccessible via phone or email. Myers is able to occasionally utilize social media but his use of the same is unpredictable given his current deployment. *Aff. Sheriff Hodge*, ¶ 4, attached hereto as **Exhibit C**. The undersigned counsel has not even been able to contact Myers to

determine when he will return from his deployment (if that information is not confidential).

6. The current dispositive motion deadline in this matter is October 17, 2018, and, at this time, Myers is unable to execute an affidavit or participate in the defense of this case.

7. The District Court has broad discretion to stay proceedings as an incident to its power to control its own docket. *Clinton v. Jones*, 520 U.S. 681, 706–07 (1997), citing, *Landis v. North American Co.*, 299 U.S. 248, 2540 (1936). Furthermore, “[e]specially in cases of extraordinary public moment, [a plaintiff] may be required to submit to delay not immoderate in extent and not oppressive in its consequences if the public welfare or convenience will thereby be promoted.” *Id.*, at 256, 57 S.Ct., at 166.

8. In light of Myers service to the United States via a current deployment, the undersigned counsel would request this Court stay this matter as to Meyers until he has completed his deployment and is able to assist in the defense of this matter.

WHEREFORE, PREMISES CONSIDERED, Charles Jason Myers would respectfully request that this Court stay this matter as to the claims against him until such time as he returns from active service.

**DATE: October 17, 2018.**

Respectfully submitted,

**CHARLES JASON MYERS**

By: /s/William R. Allen  
One of His Attorneys

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**CERTIFICATE**

I, the undersigned of Allen, Allen, Breeland & Allen, PLLC, hereby certify that on this day, I electronically filed the foregoing Memorandum in Support of Motion for Summary Judgment with the Clerk of the Court using the ECF system and I hereby certify that I have mailed by United States Postal Service the document to the following non-ECF participant:

David Williams, #83234  
CMCF/ R3C  
3794 Hwy 468  
Pearl, MS 39208

This the 17<sup>th</sup> day of October, 2018.

/s/William R. Allen  
OF COUNSEL